

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2013-125

AN ORDINANCE ADOPTED UNDER THE HOME RULE POWERS GRANTED TO CLAYTON COUNTY PURSUANT TO ARTICLE IX, SECTION II, PARAGRAPH I OF THE CONSTITUTION OF THE STATE OF GEORGIA OF 1983, AMENDING THE CLAYTON COUNTY CODE OF ORDINANCES, SPECIFICALLY, RELEVANT SECTIONS OF THE CLAYTON COUNTY, GEORGIA PUBLIC EMPLOYEE RETIREMENT SYSTEM TO UPDATE THE ELIGIBLE POSITIONS CONSTITUTING THE PENSION BOARD RESPONSIBLE FOR THE ADMINISTRATION OF THE CLAYTON COUNTY, GEORGIA PUBLIC EMPLOYEE RETIREMENT SYSTEM; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; AND TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Clayton County and the Clayton County Water Authority maintain the Clayton County, Georgia Public Employee Retirement System (Pension Plan) (the "Plan") by an Act of the General Assembly of the State of Georgia, which originally became effective as of July 1, 1971;

WHEREAS, the Plan was last amended by Ordinance No. 2012-52 of the Clayton County Code of Ordinances;

WHEREAS, the Finance Department of Clayton County, Georgia has experienced a reorganization of its personnel which affects the desired composition of the Pension Board formed to administer the Plan; and

WHEREAS, the Board of Commissioners of Clayton County now desires to amend the Plan to revise those provisions of the Plan addressing the composition of the Pension Board to clarify that the position on the Pension Board reserved for a member of the Finance Department of Clayton County, Georgia shall be filled by its Chief Financial Officer or, in the absence of any person occupying the position of Chief Financial Officer, its Director of Finance;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED:

Section I. By the authority granted to Clayton County pursuant to Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983, the Board of Commissioners hereby amends the Clayton County Code of Ordinances, as amended, by amending the Plan effective as of April 15, 2013, in the following particulars:

1. By deleting Section 1 of Appendix B of the Plan and by substituting therefor the following:

**“SECTION 1
APPOINTMENT OF PLAN ADMINISTRATOR**

The Plan Administrator shall be the Clayton County Pension Board (the “Pension Board”). The Pension Board shall consist of five (5) members, one of whom shall be the Chairperson of the Clayton County Water Authority, or said Chairperson’s designee (in which case, the person so designated shall serve at the pleasure of said Chairperson); one of whom shall be the Chairperson of the Board of Commissioners, or said Chairperson’s designee (in which case, the person so designated shall serve at the pleasure of said Chairperson); one of whom shall be the Director of the Clayton County Civil Service System; one of whom shall be the Chief Financial Officer of Clayton County (or if no person then occupies the position of Chief Financial Officer, the Director of Finance of Clayton County); and the fifth member of the Pension Board shall be selected by and appointed to the Pension Board by the four (4) enumerated members, said fifth member to be a resident of Clayton County, not less than 25 years of age, not in the employ of the State of Georgia, any County or Municipal government, and experienced in business or professional work. In the case of a tie, the Senior Judge of the Clayton County Judicial Circuit shall appoint the fifth member. Such fifth member shall serve for a term of four (4) years or until such member’s successor is selected and qualified. The fifth member may succeed himself or herself, as the case may be, on the Pension Board. Other Pension Board members shall serve on the

Pension Board by virtue of their elected or appointed positions. The members of the Pension Board shall serve without compensation with the exception of the member at large being the fifth member selected to the Pension Board by the four (4) enumerated members. The member at large shall receive a compensatory fee in the amount of \$250.00 per meeting, not to exceed \$250.00 per quarter, to be paid out of the funds of the Pension Plan. Nothing contained herein shall prohibit any member of the Pension Board from receiving reimbursement for reasonable expenses necessarily incurred during the course of authorized Pension Board business. Such expenses shall be reimbursed under the same circumstances and in the same manner as other County employees receive for authorized County related expenses.”

2. By deleting Subsection (a) of Section 2 of Appendix B of the Plan and by substituting therefor the following:

“(a) The Pension Board shall elect their own Chairperson and Vice Chairperson and shall delegate to such officers their respective duties. The Chief Financial Officer/Director of Finance of Clayton County shall act as Secretary to the Pension Board and in which capacity shall keep all of the records, books and minutes of the Pension Board.”

Section II. In the event any section, paragraph, subpart, sentence, clause, phrase or word of this Ordinance shall be declared or adjudged unconstitutional or invalid by any Court, such declaration or adjudication shall not affect the remaining portions of this Ordinance which shall remain in full force and effect as if the portions declared invalid or unconstitutional had never been enacted into law.

Section III. All laws, ordinances or resolutions, or parts thereof, in conflict with provisions of this Ordinance are hereby repealed.

Section IV. This Ordinance shall become generally effective as of the date provided herein upon its approval by the Board of Commissioners after the second reading of the Ordinance, provided the same receives an affirmative vote of three or more members, and provided further that a copy of the Ordinance has been published in the official organ of Clayton County and filed with the Secretary of the State of Georgia as required by law.

{SIGNATURES FOLLOW ON NEXT PAGE}

SO ORDAINED, this 21st day of May, 2013.

CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN


MICHAEL EDMONDSON, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


SHANA M. ROOKS, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK